

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1427 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMBHAI J PATEL & OTHERS

Versus

STATE OF GUJARAT & OTHERS

Appearance:

MR MC SHAH for Petitioners

MR NN PANDYA for Respondent No. 1

None present for Respondent No. 2, 3, 4, 5, 6, 7

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/07/96

ORAL JUDGEMENT

The petitioners have filed this Special Civil Application wherein the prayer has been made that the paragraphs no. 2 and 3 of the resolution of the Government dated 8th March, 1982 be quashed and set aside. The aforesaid resolution lays down a criteria with regard to the number of non teaching staff required to be employed by private school managements having

regard to number of students taking education in the institution. The schedule of the clerks to be employed by the private school managements have also been appended to the aforesaid resolution. No interim relief has been granted by this court to the petitioner and by the passing of this time, no purpose will be served to quash these paragraphs because both the counsels for the parties, admits that the criteria has been changed for the non-teaching staff to be appointed in the primary schools with reference to the number of students taking education in the institution. Otherwise also from retrospective effect no appointments can be made or permitted to be made. The learned counsel for the petitioner fairly conceded that he is unable to say what is the position presently in the institution. In the circumstances, this Sp. Civil Application is disposed of with the observation that the petitioner institution shall be entitled to make the appointments of non-teaching staff in the institution as per the resolution in existence today. With the aforesaid observation, rule stands discharged.